

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Southern Division

U.S.A. vs. Anthony Wayne Lemmonds

Docket No. 7:08-CR-122-1F

Petition for Action on Supervised Release

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Anthony Wayne Lemmonds, who, upon an earlier plea of guilty to Conspiracy To Possess with the Intent to Distribute More Than 500 Grams of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on December 8, 2009, to the custody of the Bureau of Prisons for a term of 91 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On August 4, 2011, pursuant to a Rule 35 motion the imprisonment sentence was reduced to 68 months.

Anthony Wayne Lemmonds was released from custody on June 24, 2013, at which time the term of supervised release commenced.

On June 17, 2015, a Violation Report was submitted to the court advising that the defendant tested positive for methamphetamine. As this was the defendant's first infraction, supervision was permitted to continue and he was placed in the Surprise Urinalysis Program (SUP) at the highest level and referred to substance abuse treatment at Chemical Dependency Training Evaluation & Guidance (CDTEG) in Jacksonville, North Carolina.

On September 4, 2015, a Petition for Action on Supervised Release was submitted to the court advising that the defendant tested positive for morphine. The officer recommended, and the court agreed, that the defendant be confined to the custody of the Bureau of Prisons for a period of 2 days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 26, 2015, Lemmonds submitted to a urinalysis screening, which was confirmed as positive for methamphetamine by Alere Laboratories. Lemmonds was confronted about this test on September 8, 2015, at which time he admitted to taking methamphetamine on approximately August 25, 2015. Lemmonds will remain in the Surprise Urinalysis Program at the highest level, his treatment provider will be notified of this positive test, and outpatient substance abuse treatment will continue. Additionally, while Lemmonds was successfully discharged from mental health treatment in February, 2015, he has agreed to return to Coastal Carolina Neuropsychiatric Center (CCNC) for individual therapy and he has an appointment scheduled on October 13, 2015.

As a sanction for the violation conduct, the probation officer recommends imposition of a five day period of custody in the Bureau of Prisons.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,
/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.
/s/ Kristyn Super
Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: September 15, 2015

ORDER OF THE COURT

Considered and ordered this 16th day of September, 2015 and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge